



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 23, 1996

Mr. Peter Gregg  
Staff Attorney  
Litigation Support Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

OR96-0226

Dear Mr. Gregg:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38468.

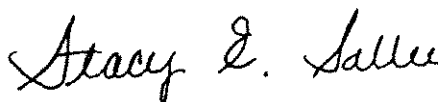
The Texas Natural Resource Conservation Commission (the "commission") received a request for case 119600175. You claim that the requested information is excepted from disclosure under the informer's privilege as applied through section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

The Texas courts have recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 (1988) at 3, 208 (1978) at 1-2. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 (1981) at 2 (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 (1990) at 2, 515 (1988) at 4-5.

The commission is one agency responsible for enforcing environmental statutes. The complainant here reported a possible violation of an environmental statute. Therefore, the commission may withhold from disclosure information that would tend to identify the informer. We note that we are assuming for purposes of this ruling that the person complained of does not know the identity of the informer.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 38468

Enclosures: Submitted documents

cc: Mr. Gerald Fabienne Grellett-Tinner  
P.O. Box 33280-335  
Austin, Texas 78764  
(w/o enclosures)